



Attorney Docket No. LeA 33469

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): Freund, et al.

Serial No.: 09/980,243

Group Art Unit: 1626

Filed: 29 November 2001

Examiner: Anderson, Rebecca L.

For: Substituted Phenylcyclohexanecarboxamides

Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:

21 July 2003

William F. Gray
Signature of Person Certifying

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Sir:

The owner, Bayer AG, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/980,242, filed on 29 November 2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR

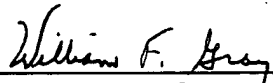
1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The Commissioner is hereby authorized to charge the Terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account 13-3372. A duplicate of this sheet is attached.

Respectfully submitted,

Date: 21 July 2003

Telephone: (203) 812-2712
Facsimile: (203) 812-5492



William F. Gray
Attorney of Record
Registration No. 31018
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516-4175